

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN JAMES HENDERSON,

Defendant.

CR-12-73-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 22, 1018. (Doc. 54). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Henderson admitted to violating the conditions of his supervised release by using methamphetamine. Henderson's admissions constitute a Grade C violation. Henderson's criminal history category is II and Henderson's underlying offense is a Class C felony. The statutory range is a maximum of 36 months in custody

followed by a term of supervised release up to 48 months, less any custody time imposed. The guideline range is 4 to 10 months in custody, followed by a term of supervised release up to 24 months, less any custody time imposed.

Judge Johnston found that Henderson violated the conditions of his supervised release by using methamphetamine. Judge Johnston recommends that Henderson be incarcerated for four (4) months, with forty-four (44) months of supervised release to follow.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Incarceration for four (4) months followed by forty-four (44) months of supervised release is an appropriate disposition of this case in light of Henderson's violations. The original terms of Henderson's supervised release remain in effect.

IT IS HEREBY ORDERED:

1. Judge Johnston's Findings and Recommendations (Doc. 86) is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 17th day of September, 2018.



Brian Morris
United States District Court Judge